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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/912,873

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EXAMINER

SELLERS, DANIEL R

ART UNIT

PAPER NUMBER

2614

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/912,873	<b>Applicant(s)</b> KOHNO ET AL.	
	<b>Examiner</b> DANIEL R. SELLERS	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 8-13 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 8-13** are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the VS-1680 by the Roland Corporation as disclosed in the VS-1680 Owner's Manual (previously cited and hereinafter the OM) and the accompanying VS-1680 Appendices (hereinafter the Appendices).

4. Regarding **claim 8**, Roland teaches a recording/reproducing mixer (see the OM, pp.12-13), comprising:

*a plurality of input channels* (see the OM, p. 12, first paragraph of "Disk Recorder Section");

*a channel selector that selects the input channels* (see the OM, pp. 14-17, teaches various input controls, p. 36, "Switching Track Conditions" and pp. 41-43, "Making Mixer Settings Automatically (EZ Routing)");

*a processing device that performs processing including equalizing, volume control and adding effects to audio signals from the selected input channels;* (see the OM, p. 30, "Connecting Effects")

*a mixing device that mixes audio signals from the processing device* (see the OM, p. 25, "Input Mixer" and p. 26, "Track Mixer");

*a first device that outputs the audio signals mixed by the mixing device* (see Appendices, p. 62, "Master Out" is connected to the MIX L and R lines, which deliver the mixed tracks;,

also see Appendices, p. 61, wherein the tracks can be mixed into the MIX L and R internal bus);

*a recorder/reproducer that records audio signals to a plurality of tracks, said audio signals comprising at least one of an audio signal mixed or to be mixed or an audio signal bypassing said mixing device (see the OM, p. 27, "Recorder Section");*

*a reading device that reads the audio signal from each track (see the OM, p. 13, "Substantial Options", teaches a 2.5" hard drive);*

*a supplying device that supplies the audio signal read from each track to corresponding input channel (see the OM, p. 26, "Track Mixer", teaches connections between recorder and track mixer) ;*

*a solo mode selector that selects a solo mode (see the OM, pp. 162-163, "Listening Only to a Specific Channel (Solo/Mute)" and p. 163, "About Solo Mode");*

*a solo channel selector that selects at least one of the plurality of input channels corresponding to at least one track for the solo mode (see the OM, p. 14, units 4 and 12 and p. 162, "Listening Only to a Specific Channel (Solo/Mute)");*

*a listening mode selector that selects a listening mode (see the OM, p. 76 "SW (Equalizer Switch)" teaches bypassing the EQ and p. 16, units 11 and 13 are used to make this selection);*

*a track selector that selects said at least one track for the listening mode (see the OM, p. 14, unit 4); and*

*a second output device that outputs the audio signal recorded to the track selected by the track selector directly from the recorder/reproducer without assigning said audio signal to an input channel;* (see Appendices, p. 61, wherein the tracks can be directed to a DIR OUT, or direct out, before mixing or effects send; Appendices, p. 62, shows the DIR OUT 1-8 connections, wherein DIR OUT 7 and 8 connect to the MONITOR without being routed through a gain stage; also see OM, pp. 175-177 regarding the MONITOR and Direct Out).

*an output controller that controls, for the solo mode, the channel selector to select the input channel selected by the solo channel selector instead of the input channel originally selected by the channel selector so as listen to said at least one track processed by said processing, and controls, for the listening mode, the second output device to output the audio signal directly from the track selected by the track selector by diverging the audio signal before inputting the audio signal to the processing device without supplying the audio signal to the processing device. (see the OM, pp. 75-77, "Adjusting the Tone", teaches an EQ for each channel, p. 76 "SW (Equalizer Switch)" teaches bypassing the EQ, and pp. 103-105, teaches external effects (EFX1) can be turned on, in various configurations, and off, and also see p. 30, "Connecting Effects", specifically the "Send/Return" feature; also see the Appendices, p. 62, wherein the REC BUS MIX can be selected to be output to the MONITOR and the OM, pp. 175).*

5. Regarding **claim 9**, the further limitation of claim 8, see the preceding argument with respect to claim 8. The combination teaches the features of claim 8 and the feature, wherein a starting position designating device that designates a starting position of reading out the audio signals, and wherein the reading device starts to read

the audio signals from the designated starting position (see the OM, p. 63, "Recording Over a Portion of a Performance (Punch-In/Punch-Out)").

6. Regarding **claim 10**, the further limitation of claim 8, see the preceding argument with respect to claim 8. The combination teaches the features of claim 8 and the feature, wherein a position storing device that stores a reading position when the listening mode is selected, and wherein the reading device starts to read the audio signals from the stored reading position (see the OM, p. 62, steps 8-11).

7. Regarding **claim 11**, the further limitation of claim 8, see the preceding argument with respect to claim 8. The combination teaches the features of claim 8 and the feature, wherein a solo mode can be selected when the listening mode is not selected (see the OM, p. 163, teaches that the effects are active on each channel in this mode).

8. Regarding **claim 12**, see the preceding argument with respect to claim 8. The combination teaches these features.

9. Regarding **claim 13**, see the preceding argument with respect to claim 8. The combination teaches these features.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Modeste et al. (Previously cited, US 5,852,800) - teaches a typical mixing console with solo controls (figure 6);

Wiser et al. (Previously cited, US 6,959,220) - teaches bypassing audio signal processor (120) (column 18, line 56 - column 19, line 3); and

Williams, Jr. (Previously cited, US 5,896,459) - teaches a mixer with a mixed dry signal (i.e. mixed signal with no effects), a mixed wet signal (i.e. mixed signal returned from effects processing), and a combined mixed signal (i.e. mixed signal comprising both the dry and wet mixes) (column 1, lines 28-54, column 3, line 57 - column 4, line 10, and figure 3).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL R. SELLERS whose telephone number is (571)272-7528. The examiner can normally be reached on Tuesday to Friday, 8am to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571)272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel R. Sellers/  
Examiner, Art Unit 2614  
/CURTIS KUNTZ/  
Supervisory Patent Examiner, Art Unit 2614